

## REMARKS

Claims 11-14, 16, 18-19, 27-31 and 38-45 are pending in the application. Claim 31 is objected to because of an informality. Claims 11-14, 16, 18-19, 27-31 and 38-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,792,466 to Saulpaugh et al. in view of U.S. Patent No. 5,493,692 to Theimer et al.

Reconsideration is requested. No new matter is added. The rejections are traversed. Claims 11, 14, 31, 42, and 44 are amended. Claims 11-14, 16, 18-19, 27-31 and 38-45 remain in the case for consideration.

## CLAIM OBJECTIONS

Claim 31 has been amended to correct the informality.

## REJECTIONS UNDER 35 U.S.C. § 102(e)

Claim 11 is directed toward a network lurking agent operable in a Scalable Infrastructure system, the network lurking agent comprising: an inquirer designed to place an inquiry in a persistent store called a Space, the Space part of the Scalable Infrastructure system; and a lurker designed to retrieve from the Space a response to the inquiry to determine the availability of a user in an environment.

In rejecting the claims, the Examiner has cited to Saulpaugh as teaching the concept of “a space facility [that is] provided to which a client may register (or unregister) to obtain notification when something is added to or removed from the space” (Office Action dated March 25, 2005, page 3). The Examiner uses this to suggest that Saulpaugh teaches the concept of a Space.

Unfortunately, Saulpaugh makes it clear that his “distributed computing environment” is distinguishable from the Space of the claims. Saulpaugh goes on for columns preaching about the limitations of Jini technology. Below are a few examples:

- “[F]or certain types of devices, Jini may not be appropriate” (column 3, lines 30-31).
- “Current distributed computing technologies, such as Jini, may not be scalable enough for the needs of all types of clients” (column 3, lines 52-54).
- “Existing connection technologies, such as Jini, may not be as scalable as desired because they are too big” (column 4, lines 4-5).
- “Serization [sic] is too large, requiring a large amount of code. Also, serialization is a Java specific object interchange format and thus may not be used with non-Java devices” (column 5, lines 35-37).

- “[T]he Jini technology uses JavaSpaces as persistent object containers. However, a JavaSpace can only store Java objects and cannot be implemented in small devices. Each object in a JavaSpace is serialized and pays the above-described penalties associated with Java serialization” (column 6, lines 28-32).
- “Jini leases are time based which may result in a number of problems” (column 6, lines 44-45).
- “As discussed above, current technology, such as Jini, may not be practical . . . . it may be desirable to locate services based on the physical location of the user and his mobile client” (column 7, lines 16-21).

As should be clear from the example quotations (all taken from the background section of Saulpaugh), Saulpaugh was designed to provide a functionality that Jini and JavaSpaces could not provide. But the invention piggybacks directly off of the functionality that Saulpaugh decries: the use of a permanent store, such as JavaSpaces. That this is so can be found in the specification at page 4, lines 3-11. Further, that Saulpaugh professes the usefulness of being able to locate a user and his mobile client suggests that Jini and JavaSpaces do not and cannot provide this functionality. As this application shows, this functionality is possible with Jini and JavaSpaces; accordingly, Saulpaugh is teaching away from the invention, and the invention is not obvious in view of Saulpaugh, with or without Theimer.

As the claims have been amended to define the Spaces as being JavaSpaces, from which Saulpaugh teaches away, the claims should now be allowable over Saulpaugh in view of Theimer.

For the foregoing reasons, reconsideration and allowance of claims 11-14, 16, 18-19, 27-31 and 38-45 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read 'Ariel S. Rogson', is written over a horizontal line.

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